

REMARKS

Claims 1-3 and 5 are currently pending in this application. By this response to the non-final Office Action mailed on June 25, 2008, claims 1 and 3 are amended, and claim 4 is canceled without prejudice. Support for the amendments is found at, for example, page 9, line 16 to page 13, line 19 of the specification as filed, and the claims as filed. No new matter has been introduced. Favorable reconsideration of the application in light of the foregoing amendments and following comments is respectfully solicited.

Rejection Under 35 U.S.C. § 102

In section 2 of the Office Action, claims 1-3 and 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent App. Pub. No. H10-095276 (Suzuki). Applicant respectfully traverses.

Independent claim 1 recites, *inter alia*,

a control unit that . . . creates . . . warning aural information including at least **a combination of a sound effect and a voice** . . .

wherein the control unit **changes** at least one of **a number of times of reproduction of the voice**, and **a reproduction sequence of the sound effect and the voice** to create the warning aural information.

Suzuki does not disclose, or even suggest, the “changes” recited in the last paragraph of claim 1. Instead, Suzuki, paragraphs [0003]-[0006], and FIGS. 3 and 4, relate to a conventional alarm circuit in which “two or more sorts of alarms will be emitted in the same tone” (§ [0003] (from machine translation provided by JPO IPDL website))¹. As shown in FIG. 4, in particular the last row of the chart, the various sorts of alarms (*e.g.*, key left in ignition or car in reverse) are distinguished by changing the intermittence time for a buzzer. Thus, a buzzer or similar device

¹ Although paragraph [0006] discusses an alternative design with a “buzzer which emits a different tone for every contents of the alarm” (from machine translation provided by JPO IPDL website), this does not affect the relevance of Suzuki to the limitations of claim 1.

which only emits a single sound, can be used to distinctly indicate multiple alarm conditions. Additionally, Suzuki discloses an alarm system, shown in FIGS. 1 and 2, which uses “synthesized speech which has two or more sorts of messages for alarms” (§ [0008] (from machine translation provided by JPO IPDL website)). Paragraphs [0015]-[0016] discuss various voice synthesized messages that are used, and FIG. 2 shows the conditions in which the various messages are invoked. Also, paragraph [0022] vaguely states that “[i]n addition to the [voice] sound from a speaker, [also] using a buzzer together [is not barred]” (from machine translation provided by JPO IPDL website).

However, even if a buzzer were used together with voice, as broadly disclosed in paragraph [0022], Suzuki does not disclose or suggest changing “a number of times of reproduction of the voice” or “a reproduction sequence of the sound effect and the voice,” as recited in claim 1. First, Suzuki does not disclose multiple voice reproductions as a warning, let alone changing the number of reproductions. Second, the general statement that voice and a buzzer can be used together does not disclose a reproduction sequence for the two, let alone changing the sequence. As Suzuki does not disclose, either expressly or inherently, at least the limitations recited in the last paragraph of claim 1, it does not anticipate independent claim 1 under 35 U.S.C. § 102, or dependent claims 2, 3, and 5, which incorporate at least the limitations of the last paragraph of claim 1. Accordingly, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 102.

Rejection Under 35 U.S.C. § 103

In section 4 of the Office Action, claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over in Suzuki in view of Japanese Patent App. Pub. No. H11-208370 (Yamamoto).

Applicant respectfully traverses. The rejection is moot, as claim 4 is canceled without prejudice.

Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C.

§ 103(a).

Rejection Under 35 U.S.C. § 112, Second Paragraph

In section 6 of the Office Action, claim 4 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant respectfully traverses. The rejection is moot, as claim 4 is canceled without prejudice. Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 112.

Conclusion

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

Application No.: 10/590,321

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "Eric M. Shelton", with a long horizontal flourish extending to the right.

Eric M. Shelton

Registration No. 57,630

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 BKS/EMS:cac
Facsimile: 202.756.8087
Date: September 24, 2008

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as our correspondence address.**